

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed February 3, 2009. Claims 1-58 are rejected.

In this Amendment, claims 1, 2, 4-6, 8, 9, 12-18, 22-24, 28, 31, 32, 34-36, 38, 39, 42-48, 52-54 and 58 have been amended. It is respectfully submitted that the amendments do not add new matter. Claims 5, 6, 35 and 36 have been canceled. Therefore, claims 1-4, 7-34, and 37-58 are presented for examination. The applicant respectfully requests reconsideration of the present application and the allowance of all claims now presented.

Interview Summary

Applicant thanks the Examiner for the telephonic interview conducted on March 24, 2009. Applicant summarizes the interview as having discussed the differences between the proposed amendments and the currently cited prior art. While no agreement on patentability was reached, the Examiner suggested clarifying the three different media items described in the claims. In addition, the Examiner suggested amendments to clarify "original quality" to "original resolution quality" and "restoring" to "substituting," and amendments to describe where the receipt of a message, generating of an identifier, replacing, and restoring is taking place. Applicant has amended the claims to clarify this feature.

35 U.S.C §102

Claims 1-2, 5-7, 10, 27-32, 35-37, 40 and 57-58

Claims 1-2, 5-7, 10, 27-32, 35-37, 40 and 57-58 stand rejected under 35 U.S.C. §102(b) as being anticipated by Rodriguez, et al. (U.S Publication No. 2002/0135794, hereinafter "Rodriguez").

Rodriguez discloses a centralized server that provides digital photos to photo web sites accessible by users.

Claim 1 as amended describes three media items: (1) "a media item having original resolution quality," (2) "an identifier-embedded media item having original resolution

quality,” and (3) “an identifier-embedded media item no longer having original resolution quality.” Claim 1 further claims a server “storing the media item having original resolution quality in a repository,” “generating an identifier for identifying the media item having original quality stored in the repository,” and “embedding the identifier in the media item having original resolution quality stored in the repository.” Claim 1 also claims a switching center receives “a message containing a media item having original resolution quality” and the switching center “replacing the media item in the received message with a copy of the identifier-embedded media item having original resolution quality stored in the repository.” The switching center “upon future encounter of a message containing an identifier-embedded media item no longer having original resolution quality,” the switching center “substitute[s] the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.”

In contrast, Rodriguez does not describe a switching center that receives a message containing a media item having original resolution quality and replaces the media item in the message with an identifier-embedded media item having original resolution quality because Rodriguez does not replace a media item in a message at all.

Rodriguez describes that a user can use a browser to view thumbnails of a photo size digital images on a photo web site. (Rodriguez, ¶181). When the user clicks on a button or a hyper-linked thumbnail image on the photo web site the centralized server transmits the corresponding photo size digital image to the user’s browser. (Rodriguez, ¶181). A user clicking a thumbnail image to request the image is not equivalent to a switching center that receives a message containing a media item having original resolution quality. Moreover, in Rodriguez, the centralized server simply transmits the corresponding photo size digital image to the user’s browser, which is not equivalent to a switching center that **replaces the media item in the message** with an identifier-embedded media item having original resolution quality. Rodriguez, therefore, fails to teach or suggest the following elements as set forth in claim 1 as amended:

upon receipt of a message containing a media item having original resolution quality by a switching center, storing the media item having original resolution quality in a repository by a server;

...

replacing the media item in the received message with a copy of

the identifier-embedded media item having original resolution quality stored in the repository by the switching center...

Moreover, Rodriguez does not teach or suggest a switching center “upon future encounter of a message containing an identifier-embedded media item no longer having original resolution quality,” the switching center substitut[es] the identifier-embedded media item no longer having original resolution quality in the encountered message with an identifier-embedded media item having original resolution quality stored in the repository using said identifier,” as set for the in claim 1 as amended. Therefore, Rodriguez does not teach or suggest each and every element claimed in claim 1 as amended.

Therefore, applicant respectfully submits that claim 1 and claims 2, 7, 10, 27-30 which depend on it are not anticipated by Rodriguez.

Independent claim 31 as amended recites in part, “a module for substituting an identifier-embedded media item no longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.”

As noted above, Rodriguez describes a centralized server storing full-size digital images and photo size digital images, a user viewing thumbnails of the photo size digital images on a photo web site, and the centralized server transmitting the corresponding photo size digital image to the user’s browser when the user clicks on a button or a hyper-linked image on the photo web site. (Rodriguez, ¶181). Rodriguez, however, does not teach or suggest a module for substituting an identifier-embedded media item no longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier. Therefore, Rodriguez does not teach or suggest each and every element claimed in claim 31 as amended.

Therefore, applicant respectfully submits that claim 31 and claims 32-34 and 37-58 which depend on it are not anticipated by Rodriguez.

In view of the above, applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §102(b).

35 U.S.C §103

Claims 3, 4, 9, 11-19, 22-26, 34, 39, 41-49 and 52-56

Claims 3, 4, 9, 11-19, 22-26, 34, 39, 41-49 and 52-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “Rodriguez” in view of Pyhalammi, et al. (U.S. Publication No. 2005/0091367, hereinafter “Pyhalammi”).

Pyhalammi describes a system and method for tracking content communicated over a network. (Pyhalammi, Abstract).

Claims 3, 4, 9, 11-19, 22-26 are dependent either directly or indirectly from claim 1. Claim 1 claims the switching center substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.

Rodriguez discloses a centralized server that provides digital photos to photo web sites accessible by users. As noted above, Rodriguez does not teach or suggest “upon future encounter of a message containing an identifier-embedded media item no longer having original resolution quality by the switching center, substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier,” as set forth in claim 1 as amended. .

Pyhalammi also fails to teach or suggest this element of claim 1. Pyhalammi describes users that can have content registered and tracked such that subsequent transmission (e.g., repeated forwarding of the content from user to user) can be recognized, and in some cases a reward is provided to users whose content proves to be popular and is forwarded from user to user. (Pyhalammi, ¶7-8). Nowhere does Pyhalammi teach or suggest substituting an identifier-embedded media item no longer having original resolution quality in an encountered message with a copy of an identifier-embedded media item having original resolution quality stored in a repository using the identifier. Therefore, claim 1, and claims 3, 4, 9, 11-19, 22-26 which depend on it are not obvious over the combination of Rodriguez and Pyhalammi.

Claims 34, 39, 41-49 and 52-56 are dependent either directly or indirectly from claim 31. Claim 31 claims “a module for substituting an identifier-embedded media item no

longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.” As discussed above, Rodriguez discloses a centralized server that provides digital photos to photo web sites accessible by users and Pyhalammi discloses a system and method for tracking content communicated over a network. Neither Rodriguez nor Pyhalammi teaches or suggests a module for substituting an identifier-embedded media item no longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier. Therefore, claim 31, and claims 34, 39, 41-49 and 52-56 which depend on it are not obvious over the combination of Rodriguez and Pyhalammi.

Claims 8 and 38

Claims 8 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “Rodriguez” in view of “Pyhalammi,” and further in view of Zuidema, et al. (U.S. Publication No. 2006/0031297, hereinafter “Zuidema”).

Zuidema discloses a method to restrict or otherwise control the forwarding of multimedia content. (Zuidema, ¶10). Zuidema addresses the problem how “the user who paid for the content can forward this message to another user.” (Zuidema, ¶9).

Claim 8 is dependent from claim 1. Claim 1 as amended recites the switching center substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier. As discussed above, neither Rodriguez nor Pyhalammi teaches or suggests this feature claimed in claim 1.

Zuidema also fails to remedy the shortcomings of Rodriguez and Pyhalammi. In fact, Zuidema teaches away from the switching center substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier. Zuidema discloses that the intended recipient should download the original version of the media item. (Zuidema, ¶28). Zuidema teaches sending a low quality version of the content so that the intended recipient would receive

“the message and the content, but because of the low quality it would not be very valuable.” (Zuidema, ¶28). Zuidema explains that the intended recipient would, thus, “be encouraged to download the original version from the MMS applications himself.” (Zuidema, ¶28). Thus, Zuidema specifically teaches away from a switching center “substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier,” as set forth in claim 1 as amended. Therefore, claim 1, and claim 8, which depends on it, is not obvious over the combination of Rodriguez, Pyhalammi and Zuidema.

Claim 38 is dependent from claim 31. Claim 31 claims a module for substituting an identifier-embedded media item no longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.

As discussed above, neither Rodriguez nor Pyhalammi teaches or suggests this feature claimed in claim 31. Zuidema also fails to teach or suggest this element of claim 31. As described above, Zuidema discloses that the intended recipient should download the original version of the media item. Therefore, Zuidema fails to teach or suggest the limitations of claim 31. Therefore, claim 31, and claim 38, which depends on it, is not obvious over the combination of Rodriguez, Pyhalammi and Zuidema.

Claims 20-21 and 50-51

Claims 20-21 and 50-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over “Rodriguez” in view of “Pyhalammi” and further in view of Rhoads, et al. (U.S. Patent No. 6,522,769, hereinafter “Rhoads”).

Rhoads describes reconfiguring a watermark detector.

Claims 20-21 are dependent from claim 1. Claim 1 claims the switching center “substituting the identifier-embedded media item no longer having original resolution quality in the encountered message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier.” As discussed above, neither Rodriguez nor Pyhalammi teaches or suggests this feature claimed in claim 1.

Rhoads also fails to teach or suggest this element of claim 1. Rhoads does not discuss substituting the identifier-embedded media item no longer having original resolution quality in the encountered message at all. Therefore, Rhoads fails to remedy the shortcomings of Rodriguez and Pyhalammi. Therefore, claim 1, and claims 20-21, which depend on it, is not obvious over the combination of Rodriguez, Pyhalammi and Rhoads.

Claims 50-51 are dependent on claim 31. Claim 31 recites in part a module for substituting an identifier-embedded media item no longer having original resolution quality in a message with a copy of the identifier-embedded media item having original resolution quality stored in the repository using said identifier. As discussed above, neither Rodriguez nor Pyhalammi teaches or suggests this feature claimed in claim 31. Rhoads also fails to teach or suggest this element of claim 31 because Rhoads fails to describe manipulating an image at all. Therefore, claim 31, and claims 50-51, which depends on it, is not obvious over the combination of Rodriguez, Pyhalammi and Rhoads.

In view of the above, applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103(a), and submits that the pending claims are in condition for allowance.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Joan Arbolante at (408) 720-8300.

Respectfully submitted,
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Dated: July 6, 2009

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